IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 38 OF 2006
IN
NOTICE OF MOTION NO. 3965 OF 2005
IN
SUIT NO. 3392 OF 2005

1. Ramaswamy Seshadri Mohan & Ors.] .. Appellants (Ori.Applts.)

Versus

1. M/s. Anmol Enterprises & Ors.] .. Respondents (Ori.Respdts.)

Mr.J.B. Chinoy with Ms. Sonal and Mr. Narayan Sahu i/b M/s. S.K. Srivastava & Co. for the appellants.

Mr. Virendra Tulzapurkar with Ms. B.C. Khatri i/b M/s. Vijay Kumar & Co. for the respondent No.1.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 31ST JANUARY, 2006

P.C. :

. After having heard Mr. Jai Chinoy, the learned senior counsel for the appellants and Dr. Virendra Tulzapurkar, the learned senior counsel for the respondent No.1, we are of the view that interest of justice shall be subserved if the learned Motion Judge hears and decides the Notice of Motion expeditiously.

2. Dr. Virendra Tulzapurkar submits that it would not be difficult for the defendant No.1 to file reply Affidavit to the Notice of Motion within two weeks from today. The defendants No.2 to 6 are the Municipal Corporation of Greater Mumbai and its Officers and they may also file their reply Affidavit to the Notice of Motion within two weeks from today.

3. We request the learned Motion Judge to hear the Notice of Motion and dispose it of finally as early as possible.

4. We find no justification to continue the order of status quo which has already expired day before yesterday. In case any activity of construction is started by the defendant No.1 pursuant to the IOD issued by the Municipal Corporation of Greater Mumbai under Section 346 of the Mumbai Municipal Corporation Act, the defendant No.1 shall ensure that no nuisance of any sort is caused to the plaintiffs.

5. All contentions of the parties are kept open to be agitated at the time of hearing of the Notice of

Motion.

6. Appeal is disposed of accordingly.

SD/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]